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INFORMATIONAL LETTER #2002-2

DATE: February 11, 2002

TO: ALL SKILLED NURSING FACILITIES
ALL INTERMEDIATE CARE FACILITIES FOR PERSONS WITH
DEVELOPMENTAL DISABILITIES

FROM: DEBBY RANSOM, R.N., R.H.I.T., Chief
Bureau of Facility Standards

SUBJECT: **SECTION 66-405, IDAHO CODE, REGARDING TREATMENT AND CARE
OF RESIDENTS WITH DEVELOPMENTAL DISABILITIES**

Skilled Nursing Facilities and Intermediate Care Facilities for Persons with Developmental Disabilities may not be aware of Idaho law that addresses the treatment and care of residents with developmental disabilities. The purpose of this letter is to give facilities the information they need to maintain compliance with Idaho Code. A guardian or physician may *not* authorize a "No CPR" status for a resident with developmental disabilities unless the conditions of this Idaho law are met. Enclosed is a copy of the law 66-405. Items (7) and (8) specifically apply to this situation. Facilities who have residents with developmental disabilities who are "No Code" status should take this opportunity to carefully review the law and the circumstances of the resident(s) in question.

In Skilled Nursing Facilities, violations of this Idaho law will be cited at federal F156 §483.10(b)(8), which states:

The facility must comply with the requirements specified in subpart I of part 489 of this chapter relating to maintaining written policies and procedures regarding advance directives. These requirements include provisions to inform and provide written information to all adult residents concerning the right to accept or refuse medical or

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surgical treatment and, at the individual's option, formulate an advance directive. This includes a written description of the facility's policies to implement advance directives and *applicable State law*. (emphasis added)

In Intermediate Care Facilities for Persons with Developmental Disabilities, violations of this Idaho law will be cited at federal W125 §483.420(a)(3), which states:

Allow and encourage individual clients to exercise their rights as clients of the facility, and as citizens of the United States, including the right to file complaints, and the right to due process.

Should you have any questions, please contact Loretta Todd or Diana Gassel, Supervisors, Long Term Care, or Sylvia Creswell, Supervisor of Non-Long Term Care at 208/334-6626, or you may wish to consult your facility's legal counsel.

[original signed by Debby Ransom]

DEBBY RANSOM, R.N., R.H.I.T., Chief
Bureau of Facility Standards

DR/nah

Enclosure

cc: Idaho Health Care Association

Idaho Association of Community Options and Resources